

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:) Docket No.HWCA20020070
)
OSHA Compliance Partners, Inc.) ENFORCEMENT ORDER
14123 Orange Avenue)
Paramount, California 90723)
EPA ID No. CAR000020255) Health and Safety Code
) Section 25187
Respondent.)
_____)

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to OSHA Compliance Partners, Inc. (OCPI).

1.2. Site. Respondent stored hazardous waste at the following site: 14123 Orange Avenue, Paramount, California 90723. Respondent also failed to leave copies of Hazardous Waste Manifests with generators of waste that it received, prior to removing waste from generators' property.

Permit/Interim Status. The Respondent is a registered hazardous waste transporter under registration number 3627. The Respondent does not have a state permit, certificate, registration, or interim status authorization to store hazardous

1 waste.

2 1.3. Jurisdiction. Section 25187 of the Health and
3 Safety Code authorizes the Department to order action necessary
4 to correct violations and assess a penalty when the Department
5 determines that any person has violated specified provisions of
6 the Health and Safety Code or any permit, rule, regulation,
7 standard, or requirement issued or adopted pursuant thereto.

8 1.4. Exhibits. All exhibits attached to this Order
9 are incorporated herein by this reference.

10 DETERMINATION OF VIOLATIONS

11 2. The Department has determined:

12 2.1. On or about the period of October 2000 and October
13 2002 the Respondent violated the Health and Safety Code section
14 25201, subdivision (a), in that OCPI stored approximately 10, 5
15 gallon containers of hazardous waste at an unauthorized facility.
16 The waste streams were glutaraldehyde, mercury amalgam, and
17 compressor oil.

18 2.2. On or about the period of October 1998 and October
19 2000 the Respondent violated the California Code of Regulations,
20 Title 22 section 66263.20, subdivision (b), in that OCPI failed
21 to leave approximately 180 Hazardous Waste Manifest copies with
22 the corresponding generators prior to removing hazardous waste
23 from the generators' facilities.

24 SCHEDULE FOR COMPLIANCE

25 3. Based on the foregoing Determination Of Violations,
26 IT IS HEREBY ORDERED THAT:

27 3.1. Effective Immediately, Respondent shall now leave
28 the signed generator copy of the hazardous waste manifest with

1 the generator prior to removing any hazardous waste from the
2 generator.

3 3.2. Effective Immediately, Respondent shall remove
4 and properly dispose of waste which has accumulated in excess of
5 ten days. Respondent shall ensure any future hazardous waste
6 shipments are not accumulated in excess of ten days during the
7 normal course of transportation. Respondent shall not store
8 hazardous waste at any location.

9 3.3 Submittals. All submittals from a Respondent
10 pursuant to this Order shall be sent to:
11 Phillip Blum, P.E., Acting Branch Chief
12 Task Force Support and Special Investigations Branch
13 Department of Toxic Substances Control
14 1011 N. Grandview Ave.
15 Glendale, California 91201

16 3.4. Communications. All approvals and decisions of
17 the Department made regarding submittals and notifications will
18 be communicated to Respondent in writing by the Branch Chief,
19 Department of Toxic Substances Control, or his/her designee. No
20 informal advice, guidance, suggestions, or comments by the
21 Department regarding reports, plans, specifications, schedules,
22 or any other writings by Respondent shall be construed to relieve
23 Respondent of the obligation to obtain such formal approvals as
24 may be required.

25 3.5. Department Review and Approval. If the
26 Department determines that any report, plan, schedule, or other
27 document submitted for approval pursuant to this Order fails to
28 comply with the Order or fails to protect public health or safety
or the environment, the Department may:

a. Modify the document as deemed necessary and approve

1 the document as modified, or

2 b. Return the document to Respondent with recommended
3 changes and a date by which Respondent must submit to the
4 Department a revised document incorporating the recommended
5 changes.

6 3.6. Compliance with Applicable Laws: Respondent
7 shall carry out this Order in compliance with all local, State,
8 and federal requirements, including but not limited to
9 requirements to obtain permits and to assure worker safety.

10 3.7. Endangerment during Implementation: In the event
11 that the Department determines that any circumstances or activity
12 (whether or not pursued in compliance with this Order) are
13 creating an imminent or substantial endangerment to the health or
14 welfare of people on the site or in the surrounding area or to
15 the environment, the Department may order Respondent to stop
16 further implementation of this Order for such period of time as
17 needed to abate the endangerment. Any deadline in this Order
18 directly affected by a Stop Work Order under this section shall
19 be extended for the term of the Stop Work Order.

20 3.8. Liability: Nothing in this Order shall
21 constitute or be construed as a satisfaction or release from
22 liability for any conditions or claims arising as a result of
23 past, current, or future operations of Respondent.
24 Notwithstanding compliance with the terms of this Order,
25 Respondent may be required to take further actions as are
26 necessary to protect public health or welfare or the environment.

27 3.9. Site Access: Access to the site shall be
28 provided at all reasonable times to employees, contractors, and

1 consultants of the Department, and any agency having
2 jurisdiction. Nothing in this Order is intended to limit in any
3 way the right of entry or inspection that any agency may
4 otherwise have by operation of any law. The Department and its
5 authorized representatives shall have the authority to enter and
6 move freely about all property at the Site at all reasonable
7 times for purposes including but not limited to: inspecting
8 records, operating logs, and contracts relating to the Site;
9 reviewing the progress of Respondent in carrying out the terms of
10 this Order; and conducting such tests as the Department may deem
11 necessary. Respondent shall permit such persons to inspect and
12 copy all records, documents, and other writings, including all
13 sampling and monitoring data, in any way pertaining to work
14 undertaken pursuant to this Order.

15 3.10. Data and Document Availability.

16 Respondent shall permit the Department and its authorized
17 representatives to inspect and copy all sampling, testing,
18 monitoring, and other data generated by Respondent or on
19 Respondent's behalf in any way pertaining to work undertaken
20 pursuant to this Order. Respondent shall allow the Department
21 and its authorized representatives to take duplicates of any
22 samples collected by Respondent pursuant to this Order.
23 Respondent shall maintain a central depository of the data,
24 reports, and other documents prepared pursuant to this Order.
25 All such data, reports, and other documents shall be preserved by
26 Respondent for a minimum of six years after the conclusion of all
27 activities under this Order. If the Department requests that
28 some or all of these documents be preserved for a longer period

1 of time, Respondent shall either comply with that request,
2 deliver the documents to the Department, or permit the Department
3 to copy the documents prior to destruction. Respondent shall
4 notify the Department in writing at least six months prior to
5 destroying any documents prepared pursuant to this Order.

6 3.11. Government Liabilities: The State of California
7 shall not be liable for injuries or damages to persons or
8 property resulting from acts or omissions by Respondent or
9 related parties in carrying out activities pursuant to this
10 Order, nor shall the State of California be held as a party to
11 any contract entered into by Respondent or its agents in carrying
12 out activities pursuant to the Order.

13 3.12. Incorporation of Plans and Reports. All plans,
14 schedules, and reports that require Department approval and are
15 submitted by Respondent pursuant to this Order are incorporated
16 in this Order upon approval by the Department.

17 3.13. Extension Request: If Respondent is unable to
18 perform any activity or submit any document within the time
19 required under this Order, the Respondent may, prior to
20 expiration of the time, request an extension of time in writing.
21 The extension request shall include a justification for the
22 delay.

23 3.14. Extension Approvals: If the Department
24 determines that good cause exists for an extension, it will grant
25 the request and specify in writing a new compliance schedule.

26 OTHER PROVISIONS

27 4.1. Additional Enforcement Actions: By issuance of
28 this Order, the Department does not waive the right to take

further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondent to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$8,000. Payment is due within 30 days from the effective date of the Order. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the heading of this case. Respondent shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent simultaneously to:

Phillip Blum, P.E., Acting Branch Chief
Task Force Support and Special Investigations Branch
Department of Toxic Substances Control
1011 N. Grandview Ave. Glendale, CA 91201

Allison Saldana, Hazardous Substances Scientist
Task Force Support and Special Investigations Branch
Department of Toxic Substances Control
1011 N. Grandview Ave. Glendale, CA 91201

RIGHT TO A HEARING

6. Respondent may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Date of Issuance: January 8, 2002.

[Original signed by]

Phillip Blum, P.E., Acting Branch Chief
Hazardous Substances Scientist
Task Force Support and Special Investigations
Department of Toxic Substances
Control

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